

AMENDED IN SENATE AUGUST 7, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2600**

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**Introduced by Assembly Member Lieu  
(Coauthor: Assembly Member Frommer)**

February 24, 2006

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An act to amend Sections 21655.9; and 40000.13 of, and to add and repeal Section 5205.5 of, the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2600, as amended, Lieu. Vehicles: HOV lanes.

(1) Existing law requires the Department of Motor Vehicles, until January 1, 2008, to make available for issuance, distinctive decals, labels, and other identifiers for a vehicle that meets the California's super ultra-low emission vehicle—~~standards~~ *standard* for exhaust ~~emission~~ *emissions* and the federal inherently low-emission vehicle (ILEV) evaporative emission—~~standards~~ *standard*, and vehicles produced during the 2004 model year or earlier that ~~meets~~ *meet* the California ultra-low emission vehicle—~~standards~~ *standard* for ~~exhaustive~~ *exhaust* emissions and the ILEV standards.

This bill would extend the requirement on the department regarding these vehicles to ~~until~~ January 1, 2013, *or until the Director of Transportation determines that federal law does not authorize the requirement, as specified, whichever occurs earlier. The bill would also provide that the requirement on the department would again become operative, if subsequent to the Director of Transportation's determination that federal law does not authorize the requirement, the director determines that federal law again authorizes the requirement, as specified.*

(2) Existing law authorizes, until January 1, 2008, vehicles that are identified by distinctive decals, labels, and other identifiers as vehicles meeting certain emission standards to use highway lanes or highway access ramps for high-occupancy vehicles regardless of vehicle occupancy or ownership.

This bill would extend the authorization to ~~until~~ January 1, 2013.

(3) Existing law prohibits, until January 1, 2008, a person from operating or owning a vehicle that displays a decal, label, or other identifier if that identifier was not issued to that vehicle. Existing law provides that a violation of this prohibition is a misdemeanor.

This bill would ~~extends~~ *extend* this prohibition to ~~until~~ January 1, 2013. Because ~~of~~ a violation of this prohibition is a crime, this bill would create *a* state-mandated local program.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 5205.5 is added to the Vehicle Code, to  
2 read:  
3 5205.5. (a) For the purposes of implementing Section  
4 21655.9, the department shall make available for issuance, for a  
5 fee determined by the department to be sufficient to reimburse  
6 the department for the actual costs incurred pursuant to this  
7 section, distinctive decals, labels, and other identifiers that  
8 clearly distinguish the following vehicles from other vehicles:  
9 (1) A vehicle that meets California's super ultra-low emission  
10 vehicle (SULEV) standard for exhaust emissions and the federal  
11 inherently low-emission vehicle (ILEV) evaporative emission  
12 standard, as defined in Part 88 (commencing with Section  
13 88.101-94) of Title 40 of the Code of Federal Regulations.  
14 (2) A vehicle that was produced during the 2004 model year or  
15 earlier and meets *the* California ultra-low emission vehicle

1 (ULEV) standard for exhaust emissions and the federal ILEV  
2 standard.

3 (b) The department shall include a summary of the provisions  
4 of this section on each motor vehicle registration renewal notice,  
5 or on a separate insert, if space is available and the summary can  
6 be included without incurring additional printing or postage  
7 costs.

8 (c) The Department of Transportation shall remove individual  
9 high-occupancy vehicle (HOV) lanes, or portions of those lanes,  
10 during periods of peak congestion from the access provisions  
11 provided in subdivision (a), following a finding by the  
12 Department of Transportation as follows:

13 (1) The lane, or portion thereof, exceeds a level of service C,  
14 as discussed in subdivision (b) of Section 65089 of the  
15 Government Code.

16 (2) The operation or projected operation of the vehicles  
17 described in subdivision (a) in these lanes, or portions thereof,  
18 will significantly increase congestion.

19 The finding also shall demonstrate the infeasibility of  
20 alleviating the congestion by other means, including, but not  
21 limited to, reducing the use of the lane by noneligible vehicles, or  
22 further increasing vehicle occupancy.

23 (d) The State Air Resources Board shall publish and maintain  
24 a listing of all vehicles eligible for participation in the programs  
25 described in this section. The board shall provide that listing to  
26 the department.

27 (e) For purposes of subdivision (a), the Department of the  
28 California Highway Patrol and the department, in consultation  
29 with the Department of Transportation, shall design and specify  
30 the placement of the decal, label, or other identifier on the  
31 vehicle. Each decal, label, or other identifier issued for a vehicle  
32 shall display a unique number, which number shall be printed on,  
33 or affixed to, the vehicle registration.

34 (f) If the Metropolitan Transportation Commission, serving as  
35 the Bay Area Toll Authority, grants toll-free and reduced-rate  
36 passage on toll bridges under its jurisdiction to a vehicle pursuant  
37 to Section 30102.5 of the Streets and Highways Code, it shall  
38 also grant the same toll-free and reduced-rate passage to a  
39 vehicle displaying an identifier issued by the department  
40 pursuant to subdivision (a).

(g) This section shall become operative on January 1, 2008, and ~~remains in effect only until January 1, 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date.~~ *shall remain operative until the Director of Transportation determines that federal law does not authorize the state to allow vehicles that are identified by distinctive decals, labels, or other identifiers on vehicles described in paragraph (1) or (2) of subdivision (a) to use highway lanes or highway access ramps for high-occupancy vehicles regardless of vehicle occupancy or ownership.*

(h) *The Director of Transportation shall submit a notice of the determination under subdivision (g) to the Secretary of State, and this section is inoperative upon receipt of that notice by the Secretary of State.*

(i) *This section shall remain in effect only until January 1, 2013, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date.*

SEC. 2. Section 5205.5 is added to the Vehicle Code, to read:

5205.5. (a) *For the purposes of implementing Section 21655.9, the department shall make available for issuance, for a fee determined by the department to be sufficient to reimburse the department for the actual costs incurred pursuant to this section, distinctive decals, labels, and other identifiers that clearly distinguish the following vehicles from other vehicles:*

(1) *A vehicle that meets California's super ultra-low emission vehicle (SULEV) standard for exhaust emissions and the federal inherently low-emission vehicle (ILEV) evaporative emission standard, as defined in Part 88 (commencing with Section 88.101-94) of Title 40 of the Code of Federal Regulations.*

(2) *A vehicle that was produced during the 2004 model year or earlier and meets the California ultra-low emission vehicle (ULEV) standard for exhaust emissions and the federal ILEV standard.*

(b) *The department shall include a summary of the provisions of this section on each motor vehicle registration renewal notice, or on a separate insert, if space is available and the summary can be included without incurring additional printing or postage costs.*

1     (c) *The Department of Transportation shall remove individual*  
2 *high-occupancy vehicle (HOV) lanes, or portions of those lanes,*  
3 *during periods of peak congestion from the access provisions*  
4 *provided in subdivision (a), following a finding by the*  
5 *Department of Transportation as follows:*

6     (1) *The lane, or portion thereof, exceeds a level of service C,*  
7 *as discussed in subdivision (b) of Section 65089 of the*  
8 *Government Code.*

9     (2) *The operation or projected operation of the vehicles*  
10 *described in subdivision (a) in these lanes, or portions thereof,*  
11 *will significantly increase congestion.*

12     *The finding also shall demonstrate the infeasibility of*  
13 *alleviating the congestion by other means, including, but not*  
14 *limited to, reducing the use of the lane by noneligible vehicles, or*  
15 *further increasing vehicle occupancy.*

16     (d) *The State Air Resources Board shall publish and maintain*  
17 *a listing of all vehicles eligible for participation in the programs*  
18 *described in this section. The board shall provide that listing to*  
19 *the department.*

20     (e) *For purposes of subdivision (a), the Department of the*  
21 *California Highway Patrol and the department, in consultation*  
22 *with the Department of Transportation, shall design and specify*  
23 *the placement of the decal, label, or other identifier on the*  
24 *vehicle. Each decal, label, or other identifier issued for a vehicle*  
25 *shall display a unique number, which number shall be printed*  
26 *on, or affixed to, the vehicle registration.*

27     (f) *If the Metropolitan Transportation Commission, serving as*  
28 *the Bay Area Toll Authority, grants toll-free and reduced-rate*  
29 *passage on toll bridges under its jurisdiction to a vehicle*  
30 *pursuant to Section 30102.5 of the Streets and Highways Code, it*  
31 *shall also grant the same toll-free and reduced-rate passage to a*  
32 *vehicle displaying an identifier issued by the department*  
33 *pursuant to subdivision (a).*

34     (g) *If subsequent to the date that Section 5205.5, as added by*  
35 *Section 1 of the act that added this section, becomes inoperative*  
36 *pursuant to the notice to the Secretary of State as described in*  
37 *subdivision (h) of that section, the Director of Transportation*  
38 *determines that federal law again authorizes the state to allow*  
39 *vehicles that are identified by distinctive decals, labels, or other*  
40 *identifiers on vehicles described in paragraph (1) or (2) of*

1 subdivision (a) to use highway lanes or highway access ramps  
2 for high-occupancy vehicles regardless of vehicle occupancy or  
3 ownership, the Director of Transportation shall submit a notice  
4 of that determination to the Secretary of State, and this section  
5 shall become operative upon the receipt of that notice by the  
6 Secretary of State.

7 (h) This section shall remain in effect only until January 1,  
8 2013, and as of that date is repealed, unless a later enacted  
9 statute, that is enacted before January 1, 2013, deletes or extends  
10 that date.

11 ~~SEC. 2.~~

12 SEC. 3. Section 21655.9 of the Vehicle Code is amended to  
13 read:

14 21655.9. (a) Whenever the Department of Transportation  
15 authorizes or permits exclusive or preferential use of highway  
16 lanes or highway access ramps for high-occupancy vehicles  
17 pursuant to Section 21655.5, the use of those lanes or ramps shall  
18 also be extended to vehicles that are issued distinctive decals,  
19 labels, or other identifiers pursuant to Section 5205.5 regardless  
20 of vehicle occupancy or ownership.

21 (b) No person shall drive a vehicle described in subdivision (a)  
22 of Section 5205.5 with a single occupant upon a high-occupancy  
23 vehicle lane pursuant to this section unless the decal, label, or  
24 other identifier issued pursuant to Section 5205.5 is properly  
25 displayed on the vehicle, and the vehicle registration described in  
26 Section 5205.5 is with the vehicle.

27 (c) No person shall operate or own a vehicle displaying a  
28 decal, label, or other identifier, as described in Section 5205.5, if  
29 that decal, label, or identifier was not issued for that vehicle  
30 pursuant to Section 5205.5. A violation of this subdivision is a  
31 misdemeanor.

32 (d) If the provisions in Section 5205.5 authorizing the  
33 department to issue decals, labels, or other identifiers to hybrid  
34 and alternative fuel vehicles are ~~repealed~~ *inoperative*, vehicles  
35 displaying those decals, labels, or other identifiers shall not  
36 access high-occupancy vehicle lanes without meeting the  
37 occupancy requirements otherwise applicable to those lanes.

38 (e) This section shall remain in effect only until January 1,  
39 2013, and as of that date is repealed, unless a later enacted

1 statute, that is enacted before January 1, 2013, deletes or extends  
2 that date.

3 ~~SEC. 3.~~

4 *SEC. 4.* Section 40000.13 of the Vehicle Code, as amended  
5 by Section 4 of Chapter 330 of the Statutes of 1999, is amended  
6 to read:

7 40000.13. A violation of any of the following provisions is a  
8 misdemeanor, and not an infraction:

- 9 (a) Section 16560, relating to interstate highway carriers.
- 10 (b) Sections 20002 and 20003, relating to duties at accidents.
- 11 (c) Section 21200.5, relating to riding a bicycle while under  
12 the influence of an alcoholic beverage or any drug.
- 13 (d) Section 21651, subdivision (b), relating to wrong-way  
14 driving on divided highways.
- 15 (e) Section 21655.9, subdivision (c), relating to illegal use of  
16 decals, labels, or other identifiers.
- 17 (f) Section 22520.5, a second or subsequent conviction of an  
18 offense relating to vending on or near freeways.
- 19 (g) Section 22520.6, a second or subsequent conviction of an  
20 offense relating to roadside rest areas and vista points.
- 21 (h) This section shall remain in effect only until January 1,  
22 2013, and as of that date is repealed, unless a later enacted  
23 statute, that is enacted before January 1, 2013, deletes or extends  
24 that date.

25 ~~SEC. 4.~~

26 *SEC. 5.* Section 40000.13 of the Vehicle Code, as added by  
27 Section 5 of Chapter 330 of the Statutes of 1999, is amended to  
28 read:

29 40000.13. A violation of any of the following provisions is a  
30 misdemeanor, and not an infraction:

- 31 (a) Section 16560, relating to interstate highway carriers.
- 32 (b) Sections 20002 and 20003, relating to duties at accidents.
- 33 (c) Section 21200.5, relating to riding a bicycle while under  
34 the influence of an alcoholic beverage or any drug.
- 35 (d) Section 21651, subdivision (b), relating to wrong-way  
36 driving on divided highways.
- 37 (e) Section 22520.5, a second or subsequent conviction of an  
38 offense relating to vending on or near freeways.
- 39 (f) Section 22520.6, a second or subsequent conviction of an  
40 offense relating to roadside rest areas and vista points.

1 (g) This section shall become operative on January 1, 2013.

2 ~~SEC. 5.~~

3 *SEC. 6.* No reimbursement is required by this act pursuant to  
4 Section 6 of Article XIII B of the California Constitution because  
5 the only costs that may be incurred by a local agency or school  
6 district will be incurred because this act creates a new crime or  
7 infraction, eliminates a crime or infraction, or changes the  
8 penalty for a crime or infraction, within the meaning of Section  
9 17556 of the Government Code, or changes the definition of a  
10 crime within the meaning of Section 6 of Article XIII B of the  
11 California Constitution.